IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

-

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 7051 of 1999

-

Between:

1. Chinta Venkata Rao, S/o. Venkata Subbaiah
2. Bolla Rama Rao S/o. Naraydu
3. Gatiganti Achamma, W/o. Venkataratnam
4. Donedi Ramudu, S/o. Sreeramulu
5. Dokketi Ramulu, S/o. Sreeramulu
6. Gatiganti Srinivas, S/o. Subba Rao
7. Gatiganti Satyavathi, W/o. Krishna Murthy

(all are resident of Sidhantham village, West Godavari District.)

..... PETITIONER

AND

-

1. The Government of Andhra Pradesh, rep. By its Secretary, Social Welfare Department, Secretariat, Hyderabad.
2. The District Collector, West Godavari District, Eluru.
3. The Mandal Revenue Officer, Penugonda Mandal, West Godavari District.
4. The Commissioner, Endowments, Tilak Road, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, directing the respondents not to dispossess the petitioners from the lands under their cultivation in R.s.No.269 of Siddhantham village, Penugonda Mandal, West Godavari District in the guise of land acquisition

proceedings by declaring the action of the respondent in trying acquire the land as illegal and arbitrary and unconstitutional in violation of the guidelines issued in G.O.Ms.No.456 dated 29-9-1998.

Counsel for the Petitioner: MR.SRINIVAS MANTHA

Counsel for Respondents: GP FOR LAND ACQUISITION

The Court made the following ORDER:

The petitioners claim to be the cultivating tenants of the lands in R.S.No.269 belonging to Sri Nandeswara Swamy Devasthanam, Sidhantham Village. The Government of Andhra Pradesh issued orders directing the Commissioner to identify the lands belonging to temples and religious endowments, which are lying fallow and not fetching any income, for the purpose of acquisition for providing house sites. The petitioners alleged that the respondents have issued notification without following due process of law and ignoring the guidelines issued by the Government in G.O.Ms.No.456 dated 29-9-1998. They also alleged that they are all small farmers and if the land would be acquired they would be deprived of their livelihood.

In this writ petition, as allegedly pointed out by the learned Assistant Government Pleader for Land Acquisition, the petitioners have not specifically challenged the notification issued under the provisions of Land Acquisition Act 1894 (for short 'the Act'). Be it noted that as submitted by the learned Assistant Government Pleader for Land Acquisition, a notification under Section 4(1) of the Act was issued on 18-1-1999 and the same was published on
30-1-1999 and a declaration under Section 6(1) of the Act was published on 19-2-1999. These two are not specifically challenged. Be that as it is, the petitioners are admittedly cultivating tenants and therefore, after coming into force of Section 82(1) of the A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987 (for short 'the Act') the lease, if any, in favour of the petitioners has been cancelled and they have no locus standi to challenge the notification under Section 82(2) of the Endowments Act and they have to approach the Assistant Commissioner for proper directions. In this writ petition, no relief can be granted.

The Writ Petition, with the above observations, is dismissed. No costs.

_____

V.V.S. RAO, J.

09th August, 2004

Js

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Government of Andhra Pradesh, Social Welfare Department, Secretariat, Hyderabad.
2. The District Collector, West Godavari District, Eluru.
3. The Mandal Revenue Officer, Penugonda Mandal, West Godavari District.
4. The Commissioner, Endowments, Tilak Road, Hyderabad.
5. 2 CCs to G.P. for Land Acquisition, High Court Buildings, Hyderabad.
6. 2 CD copies.